

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES

May 8, 2012

239 Causeway Street, Room 417A and B
Boston, Massachusetts

**Board Members
Present**

Michael Tocco, RPh, MEd; Steven Budish; Stanley Walczyk, RPh;
Karen Ryle, RPh, MS; Sophia Pasedis, RPh, PharmD; Joanne
Trifone, RPh; Kathy Fabiszewski, PhD, NP; Donald Accetta, MD,
MPH; James T. DeVita, RPh

Board Members Absent

George Cayer, RPh

Staff Present

James D. Coffey, RPh, Director; Margaret Cittadinio, MEd, Associate
Director; Susan Manning, Board Counsel; Leo McKenna, RPh,
PharmD, Quality Assurance (QA) Coordinator; Samuel J. Penta, RPh,
Supervising Investigator; Cheryl Lathum RPh, PharmD, Investigator;
William Frisch, Jr., RPh, Investigator; James Emery, Pharmacy
Technician, Investigator; Janice Yoo, Northeastern University School
of Pharmacy Extern

1. 8:30 a.m. CALL TO ORDER
President Michael J. Tocco, RPh, M.Ed.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
APRIL 3, 2012

Motion Walczyk/Trifone to approve minutes
Approved
3. 8:40 a.m. APPLICATIONS and Other Notices
Assoc. Dir. Margaret Cittadinio

Nuclear Pharmacist

Michael Timothy Kukler PH233659

Change of Manager

CVS 751, 434 Rantoul Street, Beverly (DS89718)
CVS 1258, 191-193 Cambridge Street, Boston (DS2636)
CVS 321, 95 Washington Street, Canton (DS2989)
CVS 1009, 509 Main Street, Charlestown (DS1529)
CVS 769, 217 North Main Street, East Longmeadow (DS2948)
CVS 2282, 703 Gallivan Boulevard, Dorchester (DS2936)
CVS 1264, 704 Centre Street, Jamaica Plain (DS1966)
CVS 1603, 104 Washington Street, Norwell (DS89672)
CVS 02161, 302 Main Street, Oxford (DS2832)
CVS 4200, 2 Lafayette Road, Salisbury (DS89646)
CVS 00008, 197 Boston Turnpike Road, Shrewsbury (DS2926)
CVS 1130, 615 Belmont Avenue, Springfield (DS1690)
CVS 765, 399 Main Street, Southbridge (DS2910)
CVS 276, 427 East Main Street, Westfield (DS2786)
CVS 0635, 351 Bedford Street, Whitman (DS2871)
Eaton Apothecary 3035, 100 Cummings Street, Beverly (DS89737)
Eaton Apothecary 2035, 12 Market Square, Lynn (DS3577)

Johnson Compounding and Wellness Ctr, 577 Main St., Waltham (DS3579)
Rite Aid 10071, 25 Park Street, Lee (DS2553)
Rite Aid 10110, 467 Boston Road, Billerica (DS3097)
Target Pharmacy T 12532, 1167 Washington Street, Hanover (DS89683)
Walmart 10 2683, 337 Russell Street, Hadley (DS2952)
Walmart 10 4387, 25 Tobias Boland Way, Worcester (DS89724)

Retail Pharmacy Closings

Rite Aid 10070, 700 Main Street, Great Barrington (DS2394).
Controlled substance inventory and pharmacy records transferred TO Big Y
Pharmacy 22, 740 South Main Street, Great Barrington.

Nuclear Pharmacy Closing

MGH Nuclear Pharmacy, 55 Fruit Street, Boston (NU8)

Renovation/Expansion

Ascend Specialty RX 145 Bodwell Street, Avon (DS89743)
CVS 2476, 163 Silver Street, Agawam (DS2904)
CVS 693, 1616 Memorial Drive, Chicopee (DS3250)
CVS 720, 2235 Dorchester Avenue, Dorchester (DS1003)
CVS 1131, Veterans Memorial Drive, North Adams (DS2190)
CVS 2206, 366 Washington Street, South Attleboro (DS2762)
CVS 979, 423 West Broadway, South Boston (DS2133)
CVS 1130, 615 Belmont Avenue, Springfield (DS1690)
CVS 448, 970 St. James Street, Springfield (DS3157)
CVS 2325, 1025 Central Street, Stoughton (DS2850)
CVS 444, 74 East Main Street, Westborough (DS2704)

Motion Fabizewski/Budish to approve applications
Recused Walczyk for Johnson Compounding; Trifone for Walgreens; Tocco and
DeVita for CVS

Approved

4. 8:45 a.m. **UPDATES**

Dir. James D. Coffey/Quality Assurance Coordinator Leo A. McKenna
- Introduction of NEU APPE Extern Janice Yoo
- *Joint Policy 2012 and FAQs on Pharmacist Administration of Vaccines*
- Report of Board Delegated Complaint Review Dispositions
Karen Ryle and QA Coord. McKenna noted that as a result of review of
several recent Quality Related Events (QRE), the Board will develop a
"Best Practice" on the dispensing of otics and ophthalmics.

5. 8:55 a.m. **BOARD MEETING PLANNING** - Pres. Michael J. Tocco, RPh, MEd

Board Members continued discussion of possible continuing education
requirement regulation revisions.

6. 9:20 a.m. **REPORT OF OFFICE OF GENERAL COUNSEL** - Susan Manning, Board Counsel

CLOSED SESSION - Review/discussion of Complaints, Adjudicatory matters,
Applications and other Legal Matters [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

9:20 a.m. **Motion** Walczyk/Ryle to enter Closed Session. **Approved**

10:10 a.m. **Motion** Trifone/Ryle to return to Open Session. **Approved**

7. 10:00 a.m. INVESTIGATIVE CONFERENCE

Matters of:

Rite Aid Pharmacy #10055 (DS2557) - Docket No. SA-INV-2335

Joseph W. Malinoski (PH22266) - Docket No. PHA-2011-0276

Damianos Avramidis (PH27462) - Docket No. PHA-2011-0273

Complaint alleges Rite Aid Pharmacy #10055, 117 Main Street, Monson, dispensed (August 4, 2011) a prescription (blister pack) for Hydrocodone-Acetaminophen 10/660 with both Hydrocodone-Acetaminophen 10/660 and Tylenol Arthritis @.

Investigator: William Frisch, RPh

Present: Kevin J. Bellino, RPh, Pharmacy District Manager

Paige Slein and two other facility representatives from Rehabilitation Resources, Inc. where the medication error occurred.

After review and discussion of the complaints:

SA-INV-2335 Rite Aid Pharmacy 10055, DS2557	Motion Trifone/DeVita to Dismiss with Advisory Letter with recommendation for additional time allowed for blister packing and confirmation of implementation of corrective action plan. Approved
PHA-2011-0276 Joseph W. Malinoski PH22266	Motion Trifone/DeVita to Dismiss with Advisory Letter and two continuing education (CE) hours in medication error prevention Approved
PHA-2011-0273 Damianos Avramidis PH27462	Motion Trifone/DeVita to Dismiss with Advisory Letter and two CEs in medication error prevention Approved

8. 11:05 a.m. INVESTIGATIVE CONFERENCE

Matters of:

Rite Aid Pharmacy #10207 (DS2411) - Docket No. PHA-2011-0312

Sandra M. Almeida (PH23916) - Docket No. PHA-2012-0012

Veronica L. Arruda (PT2843) - Docket No. PHA-2012-0016

Also present: David Dunn, RPh, Pharmacy Supervisor

Complaint alleges that Rite Aid Pharmacy #10207, 1383 Cove Road, New Bedford, dispensed (October 15, 2011) a prescription for doxepin 100mg rather than doxycycline 100mg as prescribed. Additionally, an inspection was conducted on January 12, 2012 and a deficiency statement was issued to the Pharmacy.

Investigator: Cheryl Latham, Pharm.D. RPh

After review and discussion of the complaints and the inspection results:

PHA-2011-0132 Rite Aid Pharmacy 10207 DS2411	Motion DeVita/Budish for Consent Agreement for Reprimand with Corrective Action Plan to be submitted regarding inspection deficiencies including attestation of related employee retraining, completion of Pharmacy Board self-inspection form by new Manager of Record and completion of Board-approved community pharmacy medication safety self-assessment. Approved
PHA-2012-0012 Sandra M. Almeida PH23916	Motion DeVita/Budish for Consent Agreement for Reprimand with 2 CEs in medication error prevention and pharmacy law and no Manager of Record for one year. Favor DeVita, Budish Walczyk, Accetta, Tocco and Fabiszewski Opposed Pasedis and Ryle Approved
PHA-2012-0016 Veronica L. Arruda PT2843	Motion Ryle/DeVita to Dismiss with Advisory Letter and 2 CEs in medication error prevention. Approved

9. 11:40a.m. REPORT OF OFFICE OF GENERAL COUNSEL – CONTINUED
Susan Manning, Board Counsel

CLOSED SESSION – Review/discussion of Complaints, Applications and other Legal Matters [MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

11:40 a.m. Motion DeVita/Walczyk to enter Closed Session

12:00 p.m. Motion Walczyk/Ryle to return to Open Session

10. 12:00 p.m. NEW COMMUNITY PHARMACY APPLICATION - Continued
UMASS MEMORIAL SHIELDS PHARMACY, LLC –
Proposed: 55 Lake Avenue North – ACC Building 1st Floor, Worcester

Continuation of review of application and information provided in response to Board request following April 3, 2012 appearance.

Motion Pasedis/Budish to approve application
Approved

11. 12:30 p.m. REPORT OF OFFICE OF INVESTIGATIONS
File Review - Samuel J. Penta, RPh Supervising Investigator; James C.

Emery, Investigator; Cheryl Latham, PharmD, RPh, Investigator; William Frisch, Jr., RPh, Investigator; Leo A. McKenna, PharmD, RPh, QA Coordinator

1	PHA-2012-0090 Michelle M. Rousseau PH24880	Motion Pasedis/DeVita to Dismiss with Advisory letter and 2 CEs in medication error prevention. Recused Trifone (not present for discussion or vote) Approved
2	PHA-2012-0023 Walgreens 13005 DS89721	Motion Pasedis/DeVita to Dismiss with Advisory Letter Recused Trifone (not present for discussion or vote) Approved

1:00 p.m. Budish, Tocco and Fabiszewski exit meeting

11. 1:00 p.m. LUNCH

12. 1:30 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance
ALL CARE PHARMACY, INC.
Proposed: 12 Plymouth Street, Suite 200, Worcester, Massachusetts

Present: Proposed Manager of Record Douglas Kaufman, RPh (PH22019);
President; CEO Daniel H. Apelian, RPh (PH26372) and Aren Leighton,
Executive Director of Operations

Applicant with waivers for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances.

Motion Pasedis/Trifone to approve application pending compliant inspection, with waiver request decisions (5) to be determined after inspection.
Approved

13. 2:00 p.m. NEW WHOLESALE DISTRIBUTOR APPLICATION/Appearance
JAFARI MEDICAL SUPPLY, LLC
Proposed: 6A Gill Street, Woburn, Massachusetts

Present: Designated Representative and President/Manager Robert Jafari;
CEO Danielle Fries and Sales Manager Randy Lowenberg

Applicant for wholesale distributor licensure proposes to distribute Schedule VI controlled substances.

Applicant described proposed operations as broker/reseller of medical supplies with no physical possession at any time of any legend prescription drug(s).

Motion Walczyk/Ryle to take application under advisement to determine if Proposed operations qualify for wholesale distributor licensure.
Approved

FLEX DISCUSSION

A. NEW BUSINESS

- 1) **Celeste Frappier** – Reciprocal Pharmacist Applicant
Motion Pasedis/Trifone to schedule applicant conference.
Approved
- 2) Matter of **Paul McGrath** (PH15546/Exp. 12/31/1982) - Docket No. PHA-2012-0082 (out of state discipline)
Motion Ryle/Pasedis to Dismiss without Prejudice and advise complaint will be reviewed if seeks to renew expired license (per Board delegated disposition regarding expired licensees and out of state discipline).
Approved

B. OLD BUSINESS

- 1) Target Corporation letter dated April 10, 2012 – Audit of MA Pharmacy Managers of Record (Docket Nos. PHA-2012-1714, 0026 and 0027)

Board accepted letter as compliant with request.
- 2) *Safe and Effective Opioid Prescribing Seminar* – Massachusetts Medical Society, Waltham, June 9, 2012 – Board Member panelist


Interested Board members will contact Mass. Medical Society.
- 3) NABP Resolutions

14. INFORMATIONAL ITEMS (FYI)

3:15 p.m. Motion Ryle/Walczyk to Adjourn

15. 3:15 p.m. ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: June 5, 2012

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
MAY 8, 2012
239 CAUSEWAY STREET
BOSTON, MA 02114

REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

CLOSED SESSION – Review/discussion of Complaints, Adjudicatory matters,
Applications and other Legal Matters
[MGL c. 112, s. 65C; MGL c. 30A, ss. 18-21]

9:20 a.m. **Motion** Walczyk/Ryle to enter Closed Session. **Approved**

Matters of:

- Brian K. Franklin (PT13227) – Docket No. PHA-2011-0185
Proposed Final Decision and Order by Default (Walgreens Pharmacy)

Recused Trifone (not present for discussion or vote)

After review and discussion of proposed default decision,
Motion Walczyk/Budish to adopt *Proposed Final Decision and Order by Default*
and revoke pharmacy technician registration.
Approved

██████████ Intern Applicant

Board reviewed application, supplemental information provided by applicant and
MPRS evaluation.

Motion Ryle/Pasedis to require applicant to enroll in MPRS and complete one
year of screens prior to being issued intern registration to commence internship
experience hours.

Approved

Recused DeVita and Tocco (not present for discussion or vote)

- Mary C. Donatelli (PH25010/surrendered 2006) – Docket No. PH-05-113
Licensure Reinstatement inquiry

Board reviewed reinstatement inquiry, information supplemental to inquiry and
complaint history.

Motion Walczyk/Ryle to refer for MPRS evaluation with Board to review results.
Approved

██████████ (CVS/pharmacy) – Reactivation Inquiry

Recused DeVita and Tocco (not present for discussion or vote)

Board reviewed complaint relating to three criminal convictions (diversion related and personal use with one year served of two year sentence).

Motion Trifone/Accetta to propose Consent Agreement with minimum two year suspension and two year MPRS screens prior to petition to terminate suspension, MPJE and NAPLEX (if more than three years), 1500 apprenticeship hours and Charter Oaks Modules 1:

Approved

- Adam Fee – Pharmacy Technician Applicant (CVS/pharmacy)
Recused DeVita and Tocco (not present for discussion or vote)

Board again reviewed application and transcript of telephone message left on telephone at Board administrative office.

Motion Budish/Walczyk to DENY application.
Approved

- Shem Gichuhi – Pharmacy Intern Applicant

Board again reviewed application and noted applicant had not disclosed a real estate salesperson license suspension (Dept. of Revenue Child Support suspension after estate license had expired). Board to advise applicant to provide explanation of failure to disclose for Board review.

10:10 a.m. **Motion Trifone/Ryle to return to Open Session. Approved**

11:40 a.m. **Motion DeVita/Walczyk to enter Closed Session**

- **Complaints (diversion allegations):**

Investigator William Frisch

PHA-2012-0072 Shannon Kropis (Partners) PT2793	Motion Walczyk/Trifone to issue Temporary Order of Summary Suspension if Voluntary Surrender Statement is not received. Approved
PHA-2012-0079 Shelly A Rando (CVS) PT692	Motion Walczyk/Ryle to issue Temporary Order of Summary Suspension if Voluntary Surrender Statement is not received. Recused Tocco and DeVita (not present for discussion or vote) Approved

Investigator James Emery

PHA-2012-0080 Marsden Hedrick (CVS) PT5986	Motion Pascedis/Budish to issue Temporary Order of Summary Suspension if Voluntary Surrender Statement is not received. Recused Tocco and DeVita (not present for discussion or vote)
--	--

PHA 2012 0070 Lauren Gately (CVS) P12665	Approved Motion Walczyk/Budish to issue Temporary Order of Summary Suspension if Voluntary Surrender Statement is not received. Recused Tocco and DeVita (not present for discussion or vote) Approved
PHA-2012-0066 Kally A. Lachapel (CVS) PT14607	Motion Pasedis/Walczyk to issue Temporary Order of Summary Suspension if Voluntary Surrender Statement is not received. Recused Tocco and DeVita (not present for discussion or vote) Approved

Investigator Cheryl Latham

PHA-2012-0081 Ann P. Miudo (CVS) PT7241	Motion Walczyk/Ryle to issue Temporary Order of Summary Suspension if Voluntary Surrender Statement is not received. Recused Tocco and DeVita(not present for discussion or vote) Approved
---	---

12:00 p.m. Motion Walczyk/Ryle to return to Open Session